

88 Pine Street, 10th Floor, New York, NY 10005 | Telephone: (212) 398-0055 | Fax: (212) 764-6620

**GARWIN  
GERSTEIN  
& FISHER** <sup>LLP</sup>

Bruce E. Gerstein  
Scott W. Fisher  
Joseph Oppen  
Noah H. Silverman

Kimberly M. Hennings  
Elena K. Chan  
Dan Litvin  
Jonathan M. Gerstein

Anna Tydniouk

Sender's e-mail: [dlitvin@garwingerstein.com](mailto:dlitvin@garwingerstein.com)

I approve the revised schedule.  
So ordered.  
/s/ Alvin K. Hellerstein  
October 12, 2021

October 8, 2021

**Via ECF**

The Honorable Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007

**Re: *In re Novartis and Par Antitrust Litigation*, No. 1:18-cv-04361-AKH, all actions**

Dear Judge Hellerstein,

Appended hereto as Exhibit A is a Proposed Schedule the Parties are jointly submitting in response to the Court's Order Regulating Motions Before Trial (ECF No. 367).

Respectfully,

/s/ Dan Litvin  
Dan Litvin

cc: All counsel (via ECF)

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<i>In re Novartis and Par Antitrust Litigation</i>	<b>1:18-cv-04361-AKH</b>
<b>This Document Relates To:</b>  <b>All Actions</b>	

**[Proposed] Schedule**

In response to the Court’s Order Regulating Motions Before Trial (ECF No. 367), the parties submit the below proposed schedule. Although Plaintiffs are available to start trial in November 2022 and would prefer to keep that trial date that the Court proposed, Defendants Novartis AG and Novartis Pharmaceuticals Corporation (together, “Novartis”) advise the Court that their counsel has another trial in Delaware that is scheduled on the dates the Court proposed for trial. Defendants note that at the August 4, 2021 hearing, Plaintiffs advised the Court of a trial conflict with the Court’s preferred trial date of June 6, 2022. *See* Aug. 4, 2021 Hrg. Tr. at 62-63. As a professional courtesy, Defendants worked in good faith to propose alternative dates that did not conflict with Plaintiffs’ trial schedule.

Accordingly, to accommodate Novartis’s counsel’s scheduling conflict and in order to ensure that trial is completed before February 27, 2023, when Direct Purchaser Plaintiffs’ counsel has another trial scheduled, the parties offer the following joint proposal through summary judgment, preserving the interim dates favored by the Court, and provide alternative proposed dates, subject to the Court’s availability, for motions *in limine*, the pre-trial conference and trial. In the event Novartis’ counsel’s conflict is resolved, Novartis will inform the Court

forthwith and seek the Court's guidance on whether earlier dates for motions *in limine*, the pre-trial conference and trial are preferred.

Event	Date
Close of expert depositions	December 31, 2021
<i>Daubert</i> motions filed.	January 11, 2022
Oppositions to <i>Daubert</i> motions filed.	February 1, 2022
Replies in further support of <i>Daubert</i> motions filed.	February 18, 2022
Plaintiffs file motions for class certification.	March 15, 2022
Defendants file oppositions to motions for class certification.	April 5, 2022
Plaintiffs file replies in further support of motions for class certification.	April 22, 2022
Motions for approval of class notice.	Due within seven days of the Court's class certification order.
Motions for summary judgment.	May 10, 2022
Oppositions to motions for summary judgment.	June 16, 2022
Replies in further support of motions for summary judgment.	July 14, 2022
Motions <i>in limine</i>	October 28, 2022
Oppositions to motions <i>in limine</i>	November 11, 2022
Final Pre-Trial Conference	December 8, 2022 at 2:00 pm.

Event	Date
Trial	Begins January 9, 2023 with five weeks allotted.